

REMARKS

Claims 1-14 are in the case. Claims 1-14 were made subject to restrict. Claims 1 and 5 with respect to SEQ ID NO:8 are currently under consideration. Claims 2, 4 and 6-14 have been canceled as drawn to a non-elected invention. Claim 3 was cancelled by previous amendment.

Claims 1 and 5 have been amended to more clearly define the Applicants' invention

Claims 1 and 5 are rejected variously over 35 USC § 112 and 102.

No new matter has been added.

Applicants gratefully acknowledge the Examiner's withdrawal of previous rejections of record in the previous Office Action, Paper 27, mailed March 26, 2003.

Claim Rejections – 35 USC § 112

Claims 1 and 5 are rejected under 35 USC § 112, second paragraph for indefiniteness. Specifically:

- Claim 1 iterates a period on the first line of section (b) of the claim; however, additional claim language is provided beyond the period. Applicants have corrected these obvious typographical errors in the current amendment and request removal of this rejection and reconsideration of the claim.
- Claim 5 recites the limitation "An isolated bacterial strain of Claim 1", without having sufficient antecedent basis for the limitation. Furthermore, it is the Examiner's opinion that the claim as amended is unclear with respect to its scope, i.e. a bacterial strain or an isolated nucleic acid molecule. The claim has been amended to comply with the Examiner's observations.

Claim Rejections – 35 USC § 102

Claim 5 is rejected under 35 USC § 102(b) as being anticipated by Maymó-Gatell et al. (*Science*, 176:1568-1571 (1997)), hereinafter Gatell.

The teachings of Gatell have been given previously.

The claim as now amended recites an isolated bacterial strain comprising SEQ ID NO:8, wherein the strain has dechlorinating activity.

The Examiner argues that all the limitations of the claim are found in Gatell in that Gatell teaches a dechlorinating strain and the 16s sequence of that strain comprises SEQ ID NO:8.

The claim has been amended to proviso out *Dehalococcoides ethenogenes* DHE-195. Applicants are unaware of any other strain having all the elements of the claim as now amended, at the time the invention was made.

In view of the amendments to the claims Applicant's submit that all the elements of the claimed invention are not found in Gatell and respectfully request reconsideration of the claims as amended.

Respectfully submitted,



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